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Attorneys for Defendants  
VXN GROUP LLC; STRIKE 3 HOLDINGS, LLC;  
GENERAL MEDIA SYSTEMS, LLC; and  
MIKE MILLER

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

MACKENZIE ANNE THOMA, a.k.a.  
KENZIE ANNE, an individual and on  
behalf of all others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware  
limited liability company; STRIKE 3  
HOLDINGS, LLC, a Delaware limited  
liability company; GENERAL MEDIA  
SYSTEMS, LLC, a Delaware limited  
liability company; MIKE MILLER, an  
individual; and DOES 1 to 100,  
inclusive,

Defendants.

Case No. **2:23-cv-04901 WLH (AGRx)**

**NOTICE OF MOTION AND  
MOTION FOR EXTENSION OF  
TIME TO RESPOND TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Hearing:

Date: November 3, 2023

Time: 1:30pm

Place: Courtroom #9B

**Judge: Hon. Wesley L. Hsu**

**DEFENDANTS' NOTICE OF MOTION AND MOTION FOR EXTENSION OF  
TIME TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

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**TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL  
 DISTRICT OF CALIFORNIA AND TO PLAINTIFF, MACKENZIE ANNE  
 THOMA, AND HER ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on November 3, 2023, at 1:30 pm or as soon thereafter as the matter may be heard before the Honorable Wesley L. Hsu, Defendants VXN Group LLC (“VXN”), Strike 3 Holdings, LLC (“Strike 3”), General Media Systems, LLC (“GMS”), and Mike Miller (“Miller”) (collectively, “Defendants”) will and hereby do move for entry of an Order granting an extension of time within which to respond to Plaintiff’s First Amended Complaint [**Dkt. 26**].

**PLEASE TAKE FURTHER NOTICE** that a proposed form of order is also submitted herewith for the Court’s consideration.

Under Local Rule 7-3, Defendants’ counsel Eric Clopper asked Plaintiff’s counsel Sarah Cohen if she would consent to the brief extension. Plaintiff’s counsel stated that she did not consent.

Dated: October 3, 2023

Respectfully submitted,

KANE LAW FIRM

By: /s/ Brad S. Kane

Brad S. Kane  
 Eric Clopper  
 Attorneys for Defendants  
 VXN Group LLC; Strike 3  
 Holdings, LLC; General Media  
 Systems, LLC; and Mike Miller

**MEMORANDUM OF POINTS AND AUTHORITIES**

Pursuant to Pursuant to Fed. R. Civ. P. 6(b)(1)(A), Defendants VXN Group LLC (“VXN”), Strike 3 Holdings, LLC (“Strike 3”), General Media Systems, LLC (“GMS”), and Mike Miller (“Miller”) (collectively, “Defendants”), respectfully makes this motion for entry of an order extending the time to respond to Plaintiff’s First Amended Complaint (**Dkt. 26**).

**I. Facts**

Plaintiff filed this putative class action against Defendants in California Superior Court on April 20, 2023 alleging the Defendants are jointly liable for violating various sections of the California Labor Code. Defendants timely removed the action to this Court on June 21, 2023 [**Dkt. 1**]. On June 28, 2023 Defendants moved to dismiss Plaintiff’s Complaint [**Dkt. 9**]. On July 21, 2023 Plaintiff moved to remand the case to Los Angeles Superior Court. [**Dkt. 13**]. On August 30, 2023, the Court severed Plaintiff’s tenth claim under the UCL, otherwise denied Plaintiff’s Motion to Remand and granted Defendants’ Motion to Dismiss on the remaining claims with leave to amend [**Dkt. 23**]. On September 20, 2023, Plaintiff filed its First Amended Complaint. [**Dkt. 26**].

**II. Argument**

Pursuant to Fed. R. Civ. P. 15(a)(3), Defendants are required to respond to Plaintiff’s First Amended Complaint no later than October 4, 2023. Fed. R. Civ.

P. 6(b) states that “the court may, for good cause, extend the time ...if the court acts, or if a request is made, before the original time or its extension expires.” Good cause exists because Defendants’ counsel Brad Kane and Eric Clopper are in a five-day arbitration which began on Monday October 2, 2023, and which overlaps with the Defendants’ deadline. *See* Declaration of Brad S. Kane, Exhibit 1, ¶ 4. The arbitration is located in San Francisco, CA requiring counsel to travel out of town for the week. *Id.* The arbitration also required substantial preparation by counsel. *Id.* Because of this, Defendants’ seek a brief two week extension to respond to Plaintiff’s First Amended Complaint. Good cause exists for such an extension because it will enable Defendants to adequately prepare a response to Plaintiff’s First Amended Complaint and properly confer with Plaintiff regarding any anticipated motions. *Id.* at ¶ 5. In doing so, the Parties can attempt to narrow any issues, clarify the pleadings, and potentially avoid any unnecessary litigation. *Id.* Further, this is the first extension of time that Defendants have requested in this case and this motion is made in good faith and not for the purpose of undue delay. *Id.* at ¶ 3. Finally, while Plaintiff’s counsel would not consent to such an extension, Defendants have not identified any prejudice that would result in a brief two-week extension. *Id.* at ¶ 6.

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### III. Conclusion

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to respond to Plaintiff's First Amended Complaint be extended until October 18, 2023. A proposed order is concurrently-filed with this Motion.

Dated: October 3, 2023

Respectfully submitted,

KANE LAW FIRM

By: /s/ Brad S. Kane

Brad Kane

Eric Clopper

Attorneys for Defendants

VXN Group LLC; Strike 3 Holdings,  
 LLC; General Media Systems, LLC;  
 and Mike Miller

### CERTIFICATE OF SERVICE

I, Brad S. Kane, hereby certify that this document has been filed on October 3, 2023, through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: October 3, 2023

By: /s/ Brad S. Kane

Brad Kane